AUG 3 0 2013

# **United States District Court**

CENTRAL DISTRICT OF ILLINOIS

CLERK OF THE COURT U.S. DISTRICT COURT CENTRAL DISTRICT OF ILLINOIS

ANTHONY, WIMBERIY,	) )
vs.  Lt. Schuller - I. A. D.  Jeffrey B. Julius - I. A. D.  Allen J. Afacacto - 610  Michael E. Sanders - Counselor  Angela K. Winsor-acting warden  et. al.	Case No. 13-3310  (The case number will be assigned by the clerk) ) ) ) ) ) ) )
Defendant(s) (List the full name of ALL plaintiffs and defendant)	) ) ats in the caption above.  If you need more room, attach a
separate caption page in the above format).	
<u>CO</u>	MPLAINT*
prisoners challenging the constitutionality of their under 42 U.S.C. § 1983 (against state, county, or m defendants). However, 42 U.S.C. § 1983 and "Bis	plaint, if known. This form is designed primarily for pro se conditions of confinement, claims which are often brought unicipal defendants) or in a "Bivens" action (against federal vens" do not cover all prisoners' claims. Many prisoners' particular claim may be based on different or additional o your claim or draft your own complaint.
42 U.S.C. §1983 (state, county or municipal de	efendants)
Action under Bivens v. Six Unknown Federal 1	Narcotics Agents, 403 U.S. 388 (1971)(federal defendants)
Other federal law:	
Unknown	
I. FEDERA	L JURISDICTION

<sup>\*</sup>Please refer to the instructions when filling out this complaint. Prisoners are not required to use this form or to answer all the questions on this form in order to file a complaint. This is not the form to file a habeas corpus petition.

Jurisdiction is based on 28 U.S.C. § 1331, a civil action arising under the United States Constitution or other federal law. (You may assert a different jurisdictional basis, if appropriate).

#### II. PARTIES

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Α.	- 121	ain	Ť١	tt.
2 L.		CLILL	. L Ł	LI.

Full Name: ANTHONY, WIMBERIY

Prison Identification Number: N-61282

Current address: SHAWNEE - Correctional - Center

6665 St. Rt. 146 East Vienna, ILL 62995

For additional plaintiffs, provide the information in the same format as above on a separate page. If there is more than one plaintiff, each plaintiff must sign the Complaint, and each plaintiff is responsible for paying his or her own complete, separate filing fee.

#### B. Defendants

#### Defendant #1:

Full Name: Lt. Schuller - Estemble Press Affairs

Current Job Title: Illinois Defartment of corrections

Current Work Address Big muddy river correctional center

251 North Illinois Hwy 37 Ina, Ill. 62846

#### Defendant #2:

Full Name: Je FFerey B. Julius - internal AFFairs

Current Job Title: Illinois Delart ment of Corrections

Current Work Address Big muclely river - Correctional center

251 North Illinois Hwy 37 INC, ILL. 62846

#### Defendant #3:

Full Name: Allew J. AParaclo - Correctional OFFicer
Current Job Title: Fillwors Defartment of Corrections

Current Work Address Big muddy river - correctional center
251 North Illwors HWY 37 INO, ILL. 62846
Defendant #4:
Full Name: Micheal E. Sanders
Current Job Title: Illasofs Defartment of corrections Head
Current Work Address Big muddy ofver-correctional cester
· ·
251 NOTTH Ill NOPS HWY 37 ING, ILL. 62846
Defendant #5:
Full Name: Angela K. Winsor - Warden at the time
Current Job Title: IlPupis DePartment of Corrections
Current Work Address Blymudely rever-correctional Center
251 North IllRouls HWY 37 ING, ILL, 62846
For additional defendants, provide the information in the same format as above on a separate page.
III. LITIGATION HISTORY
The "three strikes rule" bars a prisoner from bringing a civil action or appeal in forma pauperis in federal court if that prisoner has "on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).
A. Have you brought any other lawsuits in state or federal court dealing with the same facts involved
in this case? Yes 🖂 No 🕷
If yes, please describe
B. Have you brought any other lawsuits in federal court while incarcerated?
Yes 🗹 No 🗖
C. If your answer to B is yes, how many?  Describe the lawsuit(s) below.

1. Name of Case, Court and Docket Number  Limberty V. State ville cc et. al. 2002
2. Basic claim made medical claim Fell down states
3. Disposition (That is, how did the case end? Was the case dismissed? Was it appealed? Is it still
pending?) Seffled 2005 or 2006
For additional cases, provide the above information in the same format on a separate page.
IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES
Prisoners must exhaust available administrative remedies before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). You are not required to allege or prove exhaustion of administrative remedies in the complaint. However, your case must be dismissed if the defendants show that you have not exhausted your administrative remedies, or if lack of exhaustion is clear from the complaint and its attachments. You may attach copies of materials relating to exhaustion, such as grievances, appeals, and official responses. These materials are not required to file a complaint, but they may assist the court in understanding your claim.  A. Is there a grievance procedure available at your institution? Yes No □
B. Have you filed a grievance concerning the facts relating to this complaint?
Yes No 🗆
f your answer is no, explain why not
C. Is the grievance process completed? Yes No 🗆

V. STATEMENT OF CLAIM

Place(s) of the occurrence Big muchdy river-correctional Center

Date(s) of the occurrence	7-6-2012 Thru	Present	
		1 1 4 7 7 7 7 7 7 7	

State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.

THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.

NOW Comes, ANTHONY, Wimberly, 9th and 14th Amendment citizen, IN Good Standfug, to enter, File, and docket This complaint under estelle V. Gamble theory of Diliberate Ends Fference, the defrevations were brought against the Plaintiff by the detendants under color of law. In there of Firsal Caracity and there Endividual capacity as well. The date of 1-612 3-11 shift Pamate Wimberly 40-61282 altereaties with his at time, cell mate Bates # R-41674 Said aftercation Pamate Bates Grabbed Pamate Wimberly's commenced using It as A "wealow" thus breaking It and + caravel IIP Partites of 25 stitches etc. ePort + disciplinary ticket stifulates these damages an was used by inmate Butes, Causing the above However, Acrorded to The Defartment orsestation manual Page 20 Category"L Casuat make recommendations For any transfers as and sander's michael Bramuddy Aver-correctr. Par violation of De and for violation of wimberly's constit under the 8th and 14th amendment to the unitedstates. carly date or Charge of 301 8-6-12 Where Rumate Wimberly

Pleaded Not Guilty, due to having to deFend myself. And then as extended Investigation ticket 8-6-12 was written, after the time was served on the 301 charge and wimberly was continued held PN segregation with 9-6-12 and released, to Flud out that I Wimberly# N-61282 was SHI) on the transfer 1ist to be stilpped. And It's all A Plot to cover up the Fact that the wieng charge was Written up an Pamate Bates # R-41674, When it should be been For A dangerous assault or attempt murder. And now Lt. Schuller-I.A.D. Ps telling me that charges were fending against Sumate Bates # B-41674, and that's Why he was transferred on 9-512. But how can charges be brought when I Pamate Wimberly is the Ulctim of the Evouries sustained of 25 stitches, when he was hit Hit about the head + Face, ear, lit, vision futury etc. Lt. schuller dld Not ask me IF I wanted to Press Charges against Sumate Bates, and it seems as It it's okay to commit A crime of this magnitude IN the Blamuddy floer-correctre and not be charged. Because Lt. schuller of Paternal AFFalls & co-worker Go Jeffrey B. Jullus Badge #3150 had dropped the ball, when Lt. schuller west on vacatles, and left His Co-worker in charge to Follow up on the Rovestigation, and he wrote ut the wrong charge of A 301 on Private Bates, When It was clear From Exmate Wimberly's Puduries to an outside hospital-cross roads in mt. verson that the charge should have been ufgraded to A dewgerous Assault or attempt murder. the ticket electly states the severe Enjuries, so how could the Ball be dropped like that? and ft's wrong! DeFendants: Lt. schuller - I.A. D. Jeffrey B. Julius I.A.D. For Not wiltling up the correct charge, and coverly uf A crime. To Aller J. Marteto, and michael E. Sanders - courselor - For recommending transfer, in violation OF DR. 504.80(K) and Angele K. Winsor-warden at that time, For stanfag OFF ON A KNOWN Crime + cover up IF she would have

Just look thoroughly into seeking that something wasn't
adding up, and it was something serious /y wrong going one
However, each listed detendant is held accountable For
The Cover up and actions committed against Plaintiff
ANTHONY, Wimberly #N-61282 Whether it's seperately or
Po concert to give the Plasstiff the rester he so deserves
For damages Caused.
(1) Corrective Surgery to refair Plaintiff back to the
organal appearance he puce had Plastic surgery to remove
Scar over right side of Face between exe brow(2) Correction
Surgery to upper IIP left stde to remove scar, (3) corrective
Surgery to left ear- to remove scar, etc. And Whotever
Further relief the Court deems Justifled.
PlantIFF is A 14th amendment officer in good stending
be Fore this court, Notes the record Will develop as
This littly offen Proceed and Will discover the actual
defendants during discovery commencement

RELIEF REQUESTED

(State what relief you want from the court.)

# "IN-Conclusion" Additional claim etc.

Date(s) of the occurrence 3th and 14th Amendment Classin

State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.

THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.

THEBE Is and 8th and 14th Amendment-claim as to the
PNJULIES PlaintiFF Strickly Sustained, IF I.A.D. Lt. Schuller,
Jeffrey B. Julius - I. A. D. Dove the Profer Puvestigation Ento
This motter thoroughly- the right Charges would have been
brought. (2) and due to the injuries sustained, Plaintiff's
NOW experiencing Palu in his left car and distigurement in
the corlobe or bove structure, as it affects broken, And A constant
rluglug & shooting Pala, Pierclug, Throbbing Palu (3) And From-
being hit in the Face with the Fan, into the eye area, PlaintiFF
Is having blurred ussow wow, And the doctors only subscribe
"ASPISSO" And to transfer Plasatiff out of the Facility, is so
much of A Cover ut, when It's affarent that severe damage was
Caused, and I.A. D. didot do their Job duty Por Prosecuting the
Endlusidual who caused Plagatiffs Pajurtes, Enconclusion on
7-12-13 The eye doctor Noted that due to Pompact From Fax-damaged
the muscle by the right eye, fermissant damage to vision.

11,000,000,00 Ps Con	n Pedsatory Damages agains
each defendant, and o	14/00,000, PS CONCERT
For all de Fevelents	
\$ 1000,000,00 Puritive	Damages against each defend
aut and reasonable attorn	Vey's Fees and cost.
Such other relief as to the	
and Justo	
JURY DEMAND Yes 🔯 No 📗	
Signed this 23 day of Augu	15t - ,2013.
	A Company of the Comp
	auty Wenters
by	Gignature of Plaintiff)
Name of Plaintiff:	Inmate Identification Number:
ANTHONY WIMBERIY	N-61282
Address: SHAWNEE-Correctional center	
6665 St. Rt. 146 East	
VPENNO, ILL. 62995	

## STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS **ADJUSTMENT COMMITTEE FINAL SUMMARY REPORT**

Name: WIMBERLY, ANTHONY

IDOC Number: N61282

Race: BLK

Hearing Date/Time: 8/6/2012 09:40 AM

Living Unit: BMR-S1-01/-23

Status: Final

Orientation Status: N/A

Incident Number: 201201463/1 - BMR

Date	Ticket#	Incident Officer	Location

Time

7/6/2012 201201463/1-BMR Violation

JULIUS, JEFFREY B

R2 HOUSING UNIT, D WING

03:45 PM

Offense

**Fighting** 

Guilty

301 Witness Type

Witness ID

Witness Status

Final Result

FINAL

No Witness Requested

#### RECORD OF PROCEEDINGS

Not Guilty - Had to defend myself.

#### BASIS FOR DECISION

Based on IDR by R/O J. Julius(IA). R/O reports I/M Bates R41674 and Wimberly N61282 were placed on Investigative Status for a possible physical altercation in R2 Cell D-62. Both inmates were interviewed. HCU injury reports and incident reports were also reviewed. This investigation has determined that after receving mail Bates threw Wimberly's mail on Wimberely's bed while Wimberly was sleeping. This started a verbal argument that led to both inmates striking each other multiple times with closed fists. At some point during the fight Bates grabbed Wimberly's fan and began striking Wimberly in the face with the fan. This caused injuries to Wimberly's face that required treatment at Crossroads Hospital. Wimberly's injuries required 25 stitches. Bates' injuries consisted of an abrasion on his right eye and nose, and a small cut on his left arm. Positive ID by State ID Card END OF REPORT

Witness Name

### **DISCIPLINARY ACTION** (Consecutive to any priors) RECOMMENDED

FRY	!/~L	
1 Months C Grade 1 Months Segregation Transfer (Keep Separate From)		
1 Months Commissary Restriction 1 Months Gym/Yard Restriction		
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11/2	08/06/12	WHI
Signature	Date 08/06/12	Race HSP
	1 Months C Grade 1 Months Segregation Transfer (Keep Separate From) 1 Months Commissary Restricti	1 Months C Grade 1 Months Segregation Transfer (Keep Separate From) 1 Months Commissary Restriction 1 Months Gym/Yard Restriction

Final Comments: N/A

Need back-LT. underwood Quigley

Run Date: 8/9/2012 12:48:26

Page 1 of 2

## STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS **ADJUSTMENT COMMITTEE FINAL SUMMARY REPORT**

Name: WIMBERLY, ANTHONY

IDOC Number: N61282

Race: BLK

Hearing Date/Time: 8/6/2012 09:40 AM

Living Unit: BMR-S1-01-23

Orientation Status: N/A

Incident Number: 201201463/1 - BMR

Status: Final

ANGELA K WINSOR / AKW 8/9/2012

08/09/12

**Chief Administrative Officer** 

Signature

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

Employee Serving Copy to Committed Person

Run Date: 8/9/2012 12:48:26

STATE OF ILLINOIS	)
	) ss
COUNTY OF JOHNSON	Ď
AFF	<u> </u>
I, ANTHONY, WINBERTY, do information within this affidavit is	hereby declare and affirm that the following true and correct in substance and in facts:
Followed all Procedures is a fee cagasust listed Defea	led A Greevance in Coffigure - Defartment rule 504 F and exausting all administrative remed ideats, and Forwarded to the pard spring Freid with No results
and here and man year flow flow flow flow flow flow flow flow	
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knowledge and belief. I do declare and either frivolously or maliciously and in good faith.	r 735 ILCS 5/1-109, I declare, under penalty herein is true and accurate to the best of my affirm that the matter at hand is not taken that I believe the foregoing matter is taken
SIGNED ON	THIS 23 DAY OF August, 2013
	who was a second
	» Анні А N T

Case 3:13-cv-00976-JPG Document,1 Filed 08/30/13 Page 13 of 22 Page ID #13 ILLINOIS DEPARTMENT OF CORRECTIONS Offender Disciplinary Report Type of Report: Big Muddy River Correctional Center ☐ Disciplinary Facility Offender Name: Wimberly, Anthony N61282 --Offense Information: Observation Date: Approximate Time: 8:30 Location: Intel Office Offense(s): 18 504: Investigative Status Observation, NOTE: Each offense identified above must be substantiated.) On the above date and approximate time Inmate Wimberly N61282 was placed on Investigative Status. Positive ID by State ID card. Witness(es): Check if Offender Disciplinary Continuation Page, DOC 0318, is attached ⊠ a.m. □ p.m. 8/7/2012 Signatur Disciplinary Action: Shift Review: Temp Investigative Status Printed Name and Badge Shift Supervisor's Signatu (For Transition Centers, Chief Administrative Officer Reviewing Officer's Decision: Confinement reviewed by Beviewing Office Major Infraction, submitted for Hearing Investigator, If necessary and to Adjustment Committee Minor Infraction, submitted to Program Unit Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only): Print Hearing Investigator's Name and Badge # Date Procedures Applicable to all Hearings on Investigative and Disciplinary Reports You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense, You may request a reasonable extension of time to prepare for your hearing. Check if offender refused to sign Offender's Signature ID# Signatúre I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing. (Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing) Date of Disciplinary Report Print offender's name I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date: Print Name of witness Title (if applicable) Witness can testify to: Print Name of witness Assigned Cell Title (if applicable) Witness can testify to:

Page 1 of

Distribution:

Master File Facility (2)

BOC(0317 (Rev. 2/2007)

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### ILLINOIS DEPARTMENT OF CORRECTIONS Offender Disciplinary Report

Type of Report:	Big Muddy River Correctional Center	Date:	8/3/2012
	aomy		
Offender Name: Wimberly, Anthony		ID #: N61282	
Offense Information:	☐ a.m.		
Observation Date: 7/6/2012	Approximate Time: 3:45 ⊠ p.m.	Location: R2 D-62	
Offense(s): DR 504: 301 Fighting			
	above must be substantiated.) On the above date and		
	for a possible physical altercation in R2 Cell D-6		
	ved. This investigation has determined that after		
	ing. This started a verbal argument that led to be		
	Bates grabbed Wimberly's fan and began striking atment at Crossroads Hospital. Wimberly's injurie		
	small cut on his left arm. Positive ID by State ID		s' injuries consisted of
Witness(es):	onan ear on his tell arm. Tostere in by State in	Card END OF REFORT	
` '	Continuation Page, DOC 0318, is attached to describe	addition of factor of constitution	
C/O J. Brent Julius	3150	- 2/50 8/3/2012	⊠ a.m.
Reporting Employee (Print Name)	Badge # Signature	Date	8:39
	Disciplinary Action:		
Shift Review: Temporary Confineme	ent Investigative Ştatus, Reason	ns:	
LI-B Cherim	Star here	nu ASC	8.3.12
Printed Name and Badge #	Shift Supervisor's Signature (For Transition Centers, Chief Ad	ministrative Officer)	Date
Reviewing Officer's Decision: Cor			
	· · · · · · · · · · · · · · · · · · ·	omment:	
☐ Minor Infraction, submitted to Progr	ing Investigator, if necessary and to Adjustme	ent Committee	
LT. G. DAMS #11673 AS	C -14 D. C	ASC	8/3/12
Print Reviewing Officer's Name and Badge #	Reviewing Officer's Signature		Date
☐ Hearing Investigator's Review Rec	uired (Adult Correctional Facility Major Reports Only	<b>)</b> :	
Print Hearing Investigator's Name and Badge	# Hearing Investigator's Signature	-	Date
Procedures	Applicable to all Hearings on Investigative and Dis	sciplinary Reports	
You have the right to appear and present a writter as records or documents.	n or oral statement or explanation concerning the char	ges. You may present relevan	t physical material such
Procedures Applicable	to Hearings Conducted by the Adjustment Comm	ittee on Disciplinary Reports	
You may ask that witnesses be interviewed and	f necessary and relevant, they may be called to testify dicate in advance of the hearing the witnesses you wis	distribute concentration of the concentration of th	
	is form, tearing it off, and returning it to the Adjustment reasonable extension of time to prepare for your hear		taff assistance if you are
Check if offender refused to sign		iig.	
	er's Signature	ID#	
Clark	3601	11. 11	
Serving Employee (Print-Name)		Justine -	And the second of the boundaries of the second of the seco
Date S	8.4-12 JZ		
☐ ! hereby agree	to waive 24-hour notice of charges prior to th	e disciplinary hearing.	
Offender's Signature	ID#		
(Detach and Retu	n to the Adjustment Committee or Program Uni	t Prior to the Hearing)	
	, rogiani on	er nor to the nearing)	
Date of Disciplinary Report	Print offender's name	ID#	
am requesting that the Adjustment Commit of the above date:	tee or Program Unit consider calling the following	g witnesses regarding the	Disciplinary Report
and the state of t	المعملية عدد المراكب المحافظة والمحافظة المحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة و المحافظة المحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة والمحافظة وا المحافظة والمحافظة و	e de la companya de l	a constant partners
Print Name of witness	Witness badge or ID# Assigned Cell	Title (if applicable)	
Vitness can testify to:	(If applicable)		
			West Annual Control of the Control o
rint Name of witness	Witness badge or ID# Assigned Cell	Title (if applicable)	***************************************
Nitro and within Annalis . An	(if applicable)	· ma (n approadic)	
Vitness can testify to:			
	_ ×_ /		
	Page 1 of		

Distribution: Master File Offender Facility (2)

# Case 3:13-cv-00976-JPG Document 1 Filed 08/30/13 Page 15 of 22 Page ID #15 $Se_{\mathcal{N}}T \not\leftarrow \mathcal{N}$ . R. R.

Brian, Falrefild

# ILLINOIS DEPARTMENT OF CORRECTIONS OFFENDER'S GRIEVANCE

Whee-corr-ctr, mellroom 9-	24-12 UPPENDEN'S GRIEVANCE	ANTERCO-CONTENT MODELLY WITH CONTENT AND ADDRESS WAS AN ADDRESS AND ADDRESS AN			
Date: 9-12-12	Offender: (Please Print) DNTHONY, Wimber14	1D#: N-61282			
Present Facility:	COTT- CFT, Facility where grievance issue occurred:	amudal roller love the			
NATURE OF GRIEVANCE:	Safeti Georgia de Company	7111001-1100			
	☐ Mail Handling ☐ Restoration of Good Time ☐ Dietary ☐ Medical Treatment ☐ Transfer Denial by Transfer Coordinator	Disability HIPAA Few weeds to be Tother (specify): reflected			
Disciplinary Report:	/ / Jate of Report Fa	acility where issued			
Note: Protective Custody De	nials may be grieved immediately via the local administration o				
Counselor, unless the issue inv Grievance Officer, only if the is Chief Administrative Officer, o Administrative Review Board,	nent document (such as a Disciplinary Report, Shakedown Recordiscipline, is deemed an emergency, or is subject to direct such involves discipline at the present facility or issue not resolvinly if EMERGENCY grievance.  Only if the issue involves transfer denial by the Transfer Coordings, issues from another facility except personal property issue.	ot review by the Administrative Review Board. red by Counselor. Inator, protective custody, involuntary			
Brief Summary of Grievance: TH	is Grievance is before written	under DePartment rule			
	e 9-6-12 Simote Wimberly Si				
of Suternal affairs	B. M. R. C. C. about his "Fan"	that was broken during			
oppos an incident the	at occurred on 7-6-12 by immet	te Bates# R-41674. And			
	Prienciale concerning the re-Place				
"Cool-oPerator JR." 1	By Lt. Schuller I.A. D. and in	mate wimberly had dove			
Just that on 9-6-12.	But on 9-11-12 Romate Wimberly	4, sPoke with courselor			
Michael E. Sculers	and was told that due to Et.	sculler + his Partner of			
Sutewal affairs Jei	Frey B. Julius Badge#3150, No	+ writing the ficket up			
With the Few being	damaged" Cause It was used a	as A weaton, Turn over-			
1 /	Fax refleced with similar Fax	***			
and broken, or the alter	siffue A New Fax				
Check only if this is an EMERGEN	CY grievance due to a substantial risk of imminent personal inj	jury or other serious or irreparable harm to self.			
Culify, D.	Empery N-612	182 9 12 12 D# Date			
Offender's Signatuke ID# Date (Continue on reverse side if necessary)					
	Courseled Despense (London)				
Date	Counselor's Response (if applicable)				
Received: 7 / 21) / b	Adr	tside jurisdiction of this facility. Send to ministrative Review Board, P.O. Box 19277, ringfield, IL 62794-9277			
Response:					
	The state of the s				
		9, 72, 12			
Print Counsgior's	Name Coupselor's S	Signature Date of Response			
	EMERGENCY REVIEW	europeratum vieta la ciata de esta escontra con adresia che materia del despressioni de escontra de esta escontra d Discheria que un acquiri con describir compressioni de la compressioni de esta esta esta esta esta esta esta e			
Date	LIBERGERY T. DEVIEW				
Received: / /	-	Yes; expedite emergency grievance  No; an emergency is not substantiated.  Offender should submit this grievance in the normal manner.			
Chia	Administrative Officer's Signature				
Citie	Commonative Cures a difference	Date :			

OFFENDER'S GRIEVANCE (Continued)

by Samate Betes# 1	9-41674 When	he bit Sur	nate Wimberly	With it withe
Face area, Thus Coust				
Crossroads Hospital.				
Das used as A Deal				
being reflaced. Bui				
His Faw Cowy be refl				
situation concerning				
From the ticket wrot				
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and Jettrey B. Julius				
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Distribution: Master File; Offender

# Case 3:13-cv-00976-JPG Document 1 Filed 08/30/13 Page 17 of 22 Page ID #17

Date: 9-13-12	Offender: ASTHO	N. Wimberly		1D#: 11-612.82
Present Facility: SHOWNER	NA 7	Facility where orievance	muddy	river corrects.
NATURE OF GRIEVANCE:		issue occurred: 1) /9	MAGGA	TOER CONTENT
Personal Property  Staff Conduct	☐ Mail Handling ☐ ☐ Dietary ☐	Restoration of Good Time Medical Treatment	☐ Disabilit	
☐ Transfer Denial by Facility	☐ Transfer Denial by Tr		Other (sp	1 11881 1188
Disciplinary Report:	Pate of Report	A STATE OF THE STA		A sometiment of the second
Programme and the second second		ely via the local administration on	ity where issued the protective or	stody status notification.
Complete: Attach a copy of any partir	nent document (such as a Disc	Iplinary Report, Shakadown Record,	ere.) and send	to the same of the
Chief Administrative Officer, of Administrative Review Board,	sue involves discipline at the parties of the parties of the involves transfer only if the issue involves transfer only involves the parties of	emergency, or is subject to direct resent facility of issue not resolved fer denial by the Transfer Coordina y except personal property issues	Lby Counselor.	ustody. Involuntary
Brief Summary of Grievance:	Stroned From	Previous Page	· ACCO	rdPug to the
DePartment rule				
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Check only if this is an EMERGENC	Y grievence due to a substant	I CH CUGE F2 10 5 lial risk of imminent personal injury	or other serious	or Irreparable harm to self.
anth	fors Signature	N-612	82	9 113 112
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Date Received: 9/13/12	Send directly to Gri	Admin		this facility. Send to Board, P.O. Box 19277, 9277
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Distribution: Master File; Offender

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## OFFENDER'S GRIEVANCE (Continued)

And then an extended investigation ticket was written, after the time
Was served on the 301 charge + Wimberly was continued held in segregation
until 9-6-12 and released, to Find out that I wimberly # N-61282 was
still on the transfer list to be stilled. And it's all A Plot to rover
UP the Fact that the wrong charge was written up on symate Bates#
B41674, When It stiguldine been For A dangerous assault or attempt murder.
And NOW Lt. Stischuller is telling me Pamate wimberly, that charges were
Pending against Inmate Bates# 1941674, and that's Why he was transferred
DN 9-5-12. But how can charges he brought when I Pumote wimberly
Is the victim of the Purures sustained of "25" stitches, when he was
Lit about the head + Face, ear, I'P, wision wary etc. Lt. schuller did
Not ask me IF I Danted to Press Charges against inmote Bates, and it
seems as IF it's okay to commit A crime of this magnitude Putte -
Big muddy fiver-corr-ctr. and not be charged. Because Lt. Schuller
of internal affairs & his co-work 40 Je Ffrey B. Julius Radge# 3150
Had droffed the Ball, when It schuller went an uncoffen, and left his
Co-Worker Pucharge to Follow up on the Purestigation, and he wrote up
The Winne Charge OF A 301 au inmate Bates, When It was elear From
Exmate Wimberly's Evyuries to an outside trosPital-crossroads for mt veryor
that the Charge should have been up graded to A daugerous assault or
attempt murder the ticket plearly states the severe injuries, so trow
could the Ball he dropped like that? and wow immete wimberly is
belog shipped Further south - to shawwee-correctri to Far For my -
Family to wisit, and would like to be treastered to east moline for etr."
or Jacksonville-correctr. Because Im Now being
Prevented From Pressing charges against inmete Bates, by them now
transferrling me From Big mudely-river-corrects and it's wong!
DeFendants: Lt. Schuller-I. A. D. Jeffrey B. Julius I.A. D. For not
Wifting the correct charge, and covering up A crime. To Allew J. APariclo, and
micheal E. Sander's - Counselor - For recommending transfer, in violetion of DR.
504.80(K) and Angela K. Winsor- warden, For stanting off on A Known-
Crime + Cover UP ST stre would have Just look thoroughly Suto seeling that
it was wrong, and transfering fumate wimberly as well.
C. C.

Type of Report:							
TING ALTIGNATE	***************************************	7	isciplinary Re	•	Date:	7/6/2012	
☐ Disciplinary 🛭	Investigative	.sig ivididy i	River Correctiona Facility	Center			
Offender Name: Win	nberly, Anthony	1		ID #:	N61282		
Offense Information:			etinentiti eeti ole täänin ja kallin ja	ILI FF.	1901202	штана	-doubehotpussepaphysis
Observation Date:	7/6/2012	Approximate Time:		] a.m.	ion: R2D62		
Offense(s); DR 504:	Investigative S			∄ p.m. Local	OH. K21302		
Observation: (NOTE: Ea			() On the above d	ate and unneavima	ta tima 1/M Win	nhadii iiia m	سد احمدما
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photo identification and O		•	•				
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Vitness(es):		, rr	4.4			*	
	andar Disciplinga Co	Antinuation Page DOC 88					
Lt H. Schuler	oriosi Discipilitary Co	ontinuation Page, DOC 03	16, is attached to d	escribe additional la	cts, observations of 7/6/2012	or witnesses. 4:30	∐ a.m ⊠ip.m
Reporting Employee (F	Print Name)	Badge # Sig	nature *		Date	Time	101 P.11
	Same San Carllette	Discipi	inary Action:				**********
Shift Review: Tempo		it 🛭 Investigativ	e Status	Reasons: 1N	Vesting Atten		
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S.A. GODINEZ
Director

1301 Concordia Court / P.O. Box 19277 / Springfield IL 62794-9277 / Telephone: (217) 558-2200 / TDD: (800) 526-0844

May 9, 2013

Anthony Wimberly Register No. N61282 Shawnee Correctional Center

Dear Mr. Wimberly:

This is in response to your grievance received on September 27, 2012, regarding Discipline Process (Proceedings for IDR 7/6/12) and Personal Property (Damaged 7/6/12), which were alleged to have occurred at Big Muddy River Correctional Center. This office has determined the issues will be addressed without a formal hearing.

This office has reviewed Offender Wimberly's combined grievances regarding alleged misconduct for the proceedings/actions surrounding a disciplinary report dated July 6, 2012 involving Offender Bates R41674 and for property damaged. This office notes that Wimberly is not grieving the IDR itself.

Offender Wimberly would like to press charges against Offender Bates for Bates' actions against Wimberly on July 6, 2012. This is not a grievable issue. Offender Wimberly grieves the charges I/A staff placed on Offender Bates' disciplinary report. This is a non-grievable issue. Offender Wimberly believes the Adjustment Committee cannot impose a disciplinary transfer. DR 504.80 states in part, "The Committee may recommend one or more of the following disciplinary actions:... Change the offender's housing assignment or transfer the individual to another correctional facility". Therefore, this claim by Wimberly has no merit. Offender Wimberly also grieves the actual transfer to Shawnee (9/12/12). Due to disciplinary reasons, a transfer was initiated by Big Muddy River and on September 12, 2012, Wimberly was subsequently transferred. As transfers are administrative decisions, this portion of the grievance is denied. Furthermore, Wimberly grieves damaged property. As this portion of the grievance relates to property, DR 504 requires that a Grievance Officer's and CAO's response be provided with the offender's grievance. As one was not provided by Wimberly, this office cannot address this claim.

Based on a total review of all available information, and in accordance with DR504.850, it is the opinion of this office that the grievance be denied.

FOR THE BOARD:

Sherry Benton
Administrative Review Board
Office of Inmate Issues

CONCURRED:

S.A. Godinez
Director

Warden, Shawnee Correctional Center Anthony Wimberly, Register No. N61282

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT
OF THINDIS SPRINGFIELD

Anothy Wimberly Plaintiff	<b>)</b>	
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LT. Schuller, I.A.D., SEFFREY B. JILIUS I.A.D. Allen J. APDRACIO CO OFFICER Michael E. Sanders - Counselor Angela K. Winsor - Warden	CASE NO.	
PROOF O	A Service / CERTIFICATE	
To: Clerk of Unitedstates  District court 151 U.S. Courtes  600 Fast mange st.  Stilling Field ZU. 62701		warde.u : Angelak. Winsor Bigmuddy siver-cor-etc 251 n. Illinois Hwy 39 Into Itt. 62846
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Please Take Notice That ON BOR enclosed documents in the in IT SHOWNER CORRECTIONAL CENTER Thove FOR mailing Through The	DECENTIONAL MAIL	
DITE : 8-23- 7013		STATE ROUTE 14LE.
Subscribed and Suprin To bef	ore me This 23 da	y or August 2013
Note	OFFICIAL SEAL THERESA CASTEEL ary Public - State of Illinois mmission Expires Apr 22, 2014	

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